

HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-32.2; IC 6-2.5-8-7; IC 7.1-2.

Synopsis: Charity gaming. Establishes a benefit night license in charity gaming law. Authorizes a qualified organization holding a benefit night license to conduct charity gaming and donate the proceeds to an individual or family in need. Establishes license fees for the benefit night license. Provides that the alcohol and tobacco commission (ATC) and its enforcement officers may not investigate violations of the charity gaming law. Provides that the ATC enforcement officers may not exercise arrest powers for crimes defined in the charity gaming law. Makes technical corrections.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-32.2-1-1, AS AMENDED BY P.L.227-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 1. (a) This article applies only to a qualified
4 organization.

5 (b) This article applies only to the following approved gambling
6 events conducted as fundraising activities by qualified organizations:

7 (1) Bingo events, charity game nights, door prize events, raffle
8 events, festivals, **benefit nights**, and other gaming events
9 approved by the commission.

10 (2) The sale of pull tabs, punchboards, and tip boards:

11 (A) at bingo events, charity game nights, door prize events,
12 raffle events, and festivals conducted by qualified
13 organizations; or

14 (B) at any time on the premises owned or leased by a qualified
15 organization and regularly used for the activities of the
16 qualified organization.

17 This article does not apply to any other sale of pull tabs,

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punchboards, and tip boards.

(c) This article does not apply to a promotion offer subject to IC 24-8.

SECTION 2. IC 4-32.2-1-3, AS AMENDED BY P.L.227-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. A bingo event, charity game night, door prize drawing, raffle, festival event, **benefit night**, or other charity gambling event licensed under IC 4-32.2-4-16 is not allowed in Indiana unless it is conducted by a qualified organization in accordance with this article.

SECTION 3. IC 4-32.2-1-5, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Local governmental authority concerning the following is preempted by the state under this article and IC 4-30:

(1) All matters relating to the operation of bingo events, charity game nights, raffles, **benefit nights**, and door prize drawings.

(2) All matters relating to the possession, transportation, advertising, sale, manufacture, printing, storing, or distribution of pull tabs, punchboards, or tip boards.

(b) A county, municipality, or other political subdivision of the state may not enact an ordinance relating to the commission's operations authorized by this article.

SECTION 4. IC 4-32.2-2-2, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. "Allowable event" means:

(1) a bingo event;

(2) a charity game night;

(3) a raffle;

(4) a door prize drawing;

(5) a festival;

(6) a benefit night;

~~(7)~~ (7) a sale of pull tabs, punchboards, or tip boards; or

~~(8)~~ (8) any other gambling event approved by the commission under this article;

conducted by a qualified organization in accordance with this article and rules adopted by the commission under this article.

SECTION 5. IC 4-32.2-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. **"Benefit night" means an event in which a qualified organization:**

(1) is licensed under IC 4-32.2-4-19 to conduct any combination of gambling games authorized by this article; and

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(2) donates the net proceeds of the event to an individual or a family in need as the result of an illness or the untimely death of a family member, an accident, a natural disaster, or any other hardship.

SECTION 6. IC 4-32.2-4-1, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A qualified organization may conduct the following activities in accordance with this article:

- (1) A bingo event.
- (2) A charity game night.
- (3) A raffle event.
- (4) A door prize event.
- (5) A festival.

(6) A benefit night.

~~(6)~~ (7) The sale of pull tabs, punchboards, and tip boards.

~~(7)~~ (8) Any other gambling event approved by the commission.

SECTION 7. IC 4-32.2-4-3, AS AMENDED BY P.L.227-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. **(a) This section does not apply to a benefit night held by a qualified organization.**

~~(a)~~ (b) A qualified organization is not required to obtain a license from the commission if the value of all prizes awarded at the bingo event, charity game night, raffle event, door prize event, festival event, or other event licensed under section 16 of this chapter, including prizes from pull tabs, punchboards, and tip boards, does not exceed one thousand dollars (\$1,000) for a single event and not more than three thousand dollars (\$3,000) during a calendar year.

~~(b)~~ (c) A qualified organization that plans to hold an allowable event described in subsection ~~(a)~~ (b) more than one (1) time a year shall send an annual written notice to the commission informing the commission of the following:

- (1) The estimated frequency of the planned allowable events.
- (2) The location or locations where the qualified organization plans to hold the allowable events.
- (3) The estimated value of all prizes awarded at each allowable event.

~~(c)~~ (d) The notice required under subsection ~~(b)~~ (c) must be filed before the earlier of the following:

- (1) March 1 of each year.
- (2) One (1) week before the qualified organization holds the first allowable event of the year.

~~(d)~~ (e) A qualified organization that conducts an allowable event

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described in subsection ~~(a)~~ (b) shall maintain accurate records of all financial transactions of the event. The commission may inspect records kept in compliance with this section.

SECTION 8. IC 4-32.2-4-4, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Each organization applying for a bingo license, a special bingo license, a charity game night license, a raffle license, a door prize drawing license, a festival license, **a benefit night license**, or a license to conduct any other gambling event approved by the commission must submit to the commission a written application on a form prescribed by the commission.

(b) Except as provided in subsection (c), the application must include the information that the commission requires, including the following:

- (1) The name and address of the organization.
- (2) The names and addresses of the officers of the organization.
- (3) The type of event the organization proposes to conduct.
- (4) The location where the organization will conduct the allowable event.
- (5) The dates and times for the proposed allowable event.
- (6) Sufficient facts relating to the organization or the organization's incorporation or founding to enable the commission to determine whether the organization is a qualified organization.
- (7) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.
- (8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
- (9) Any other information considered necessary by the commission.

(c) This subsection applies only to a qualified organization that conducts only one (1) allowable event in a calendar year. The commission may not require the inclusion in the qualified organization's application of the Social Security numbers of the workers who will participate in the qualified organization's proposed allowable event. A qualified organization that files an application described in this subsection must attach to the application a sworn statement signed by the presiding officer and secretary of the organization attesting that:

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(1) the workers who will participate in the qualified organization's proposed allowable event are eligible to participate under this article; and

(2) the organization has not conducted any other allowable events in the calendar year.

SECTION 9. IC 4-32.2-4-12, AS AMENDED BY P.L.227-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) The commission may issue a festival license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must authorize the qualified organization to conduct bingo events, charity game nights, raffle events, gambling events licensed under section 16 of this chapter, and door prize events and to sell pull tabs, punchboards, and tip boards. The license must state the location and the dates, not exceeding four (4) consecutive days, on which these activities may be conducted.

(b) Except as provided in IC 4-32.2-5-6(c), a qualified organization may not conduct more than one (1) festival each year.

(c) The raffle event authorized by a festival license is not subject to the prize limits set forth in this chapter. Bingo events, charity game nights, and door prize events conducted at a festival are subject to the prize limits set forth in ~~this chapter~~: **IC 4-32.2-5**.

SECTION 10. IC 4-32.2-4-16, AS AMENDED BY P.L.227-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) This section applies to a gambling event that is described in neither:

(1) section 1(1) through ~~1(6)~~ **1(7)** of this chapter; nor

(2) IC 4-32.2-2-12(b).

(b) The commission may issue a single event license or an annual event license to conduct a gambling event approved by the commission to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6.

(c) A single event license must:

(1) authorize the qualified organization to conduct the gambling event at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the gambling event.

(d) An annual event license:

(1) must authorize the qualified organization to conduct the events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted events;

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(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(e) The commission may impose any condition upon a qualified organization that is issued a license to conduct a gambling event under this section.

SECTION 11. IC 4-32.2-4-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 19. (a) The commission may issue a benefit night license to a qualified organization upon the organization's submission of an application and payment of the fee required under IC 4-32.2-6-2. The license must authorize the qualified organization to conduct any combination of bingo events, charity game nights, raffle events, gambling events licensed under section 16 of this chapter, and door prize events and to sell pull tabs, punchboards, and tip boards. The license must state the location and the date on which these activities may be conducted.**

(b) A benefit night license authorizes a qualified organization to hold one (1) benefit night.

(c) A qualified organization may not hold more than two (2) benefit nights each year.

(d) The raffle event authorized by a benefit night license is not subject to the prize limits set forth in IC 4-32.2-5. Bingo events, charity game nights, and door prize events conducted at a benefit night are subject to the prize limits set forth in IC 4-32.2-5.

SECTION 12. IC 4-32.2-5-4, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4. (a) This section does not apply to the gross receipts of a benefit night.**

~~(a)~~ **(b)** A qualified organization that receives ninety percent (90%) or more of the organization's total gross receipts from any events licensed under this article is required to donate sixty percent (60%) of its gross charitable gaming receipts less prize payout to a qualified recipient that is not an affiliate, a parent, or a subsidiary organization of the qualified organization.

~~(b)~~ **(c)** For purposes of this section, a veterans' home is not considered to be an affiliate, a parent, or a subsidiary organization of a qualified organization that is a bona fide veterans organization.

SECTION 13. IC 4-32.2-5-5, AS AMENDED BY P.L.227-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 5. (a) A qualified organization shall maintain accurate records of all financial aspects of an allowable event under this article. A qualified organization shall make accurate reports of all financial aspects of an allowable event to the commission within the time established by the commission. The commission may prescribe forms for this purpose. The commission shall, by rule, require a qualified organization to deposit funds received from an allowable event in a separate and segregated account set up for that purpose. All expenses of the qualified organization with respect to an allowable event shall be paid from the separate account.

(b) The commission may require a qualified organization to submit any records maintained under this section for an independent audit by a certified public accountant selected by the commission. A qualified organization must bear the cost of any audit required under this section.

(c) In addition to the other records required by this section, the commission shall require a qualified organization that holds a benefit night to obtain a receipt from the recipient of the net proceeds of the benefit night. A copy of the receipt must be submitted to the commission within the time established by the commission.

SECTION 14. IC 4-32.2-5-6, AS AMENDED BY P.L.227-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) **Except as provided in subsection (d)**, a qualified organization may not conduct more than three (3) allowable events during a calendar week and not more than one (1) allowable event each day.

(b) Except as provided in **subsection (d)**, IC 4-32.2-4-12, and IC 4-32.2-4-16.5, allowable events may not be held on more than two (2) consecutive days.

(c) A qualified organization may conduct one (1) additional festival event during each six (6) months of a calendar year.

(d) A qualified organization may hold a benefit night:

(1) in addition to the maximum number of weekly and daily events set forth in subsection (a); and

(2) on a day preceding or following the day on which the qualified organization conducts any other qualified event.

SECTION 15. IC 4-32.2-5-17, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) The prize for one (1) bingo game may not have a value of more than one thousand dollars (\$1,000).

(b) Except as provided in subsection (c), the total prizes permitted at one (1) bingo event may not have a value of more than six thousand

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dollars (\$6,000).

(c) The commission may, by express authorization, allow any qualified organization to conduct two (2) bingo events each year at which the total prizes for the bingo event may not exceed ten thousand dollars (\$10,000). Bingo events authorized under this subsection may be conducted at:

(1) a festival conducted under IC 4-32.2-4-12; and

(2) a benefit night.

(d) The proceeds of the sale of pull tabs, punchboards, and tip boards are not included in the total prize limit at a bingo event.

(e) The value of all door prizes awarded at a bingo event may not have a value of more than one thousand five hundred dollars (\$1,500).

SECTION 16. IC 4-32.2-5-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 24. A qualified organization shall conspicuously post a copy of the qualified organization's license for an allowable event conducted by the qualified organization on the premises in which the allowable event is conducted.**

SECTION 17. IC 4-32.2-6-2, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) **Except as provided in subsection (b)**, the commission shall establish an initial license fee schedule. However, the license fee that is charged to a qualified organization in the first year that the qualified organization applies for a license may not exceed fifty dollars (\$50).

(b) **The commission shall charge an initial license fee of fifty dollars (\$50) for the first time that a qualified organization applies for a benefit night license under IC 4-32.2-4-19.**

SECTION 18. IC 4-32.2-6-3, AS AMENDED BY P.L.227-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) In the case of a qualified organization that is not subject to subsection (b), the qualified organization's adjusted gross revenue is an amount equal to the difference between:

(1) the qualified organization's total gross revenue from allowable events and related activities in the preceding year; minus

(2) the sum of any amounts deducted under IC 4-32.2-5-3(b)(5) in the preceding year.

(b) This subsection applies only to a qualified organization that held a license under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12. The qualified organization's adjusted gross revenue is an amount equal to the difference between:

(1) the qualified organization's total gross revenue from the

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preceding event and related activities; minus

(2) any amount deducted under IC 4-32.2-5-3(b)(5) for the preceding event.

(c) **This subsection does not apply to a qualified organization that renews a benefit night license issued under IC 4-32.2-4-19.** The license fee that is charged to a qualified organization that renews the license must be based on the adjusted gross revenue of the qualified organization from allowable events and related activities in the preceding year, or, if the qualified organization held a license under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, the fee must be based on the adjusted gross revenue of the qualified organization from the preceding event and related activities, according to the following schedule:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
A	\$ 0	\$ 15,000	\$ 50
B	\$ 15,000	\$ 25,000	\$ 100
C	\$ 25,000	\$ 50,000	\$ 300
D	\$ 50,000	\$ 75,000	\$ 400
E	\$ 75,000	\$ 100,000	\$ 700
F	\$ 100,000	\$ 150,000	\$ 1,000
G	\$ 150,000	\$ 200,000	\$ 1,500
H	\$ 200,000	\$ 250,000	\$ 1,800
I	\$ 250,000	\$ 300,000	\$ 2,500
J	\$ 300,000	\$ 400,000	\$ 3,250
K	\$ 400,000	\$ 500,000	\$ 5,000
L	\$ 500,000	\$ 750,000	\$ 6,750
M	\$ 750,000	\$ 1,000,000	\$ 9,000
N	\$ 1,000,000	\$ 1,250,000	\$ 11,000
O	\$ 1,250,000	\$ 1,500,000	\$ 13,000
P	\$ 1,500,000	\$ 1,750,000	\$ 15,000
Q	\$ 1,750,000	\$ 2,000,000	\$ 17,000
R	\$ 2,000,000	\$ 2,250,000	\$ 19,000
S	\$ 2,250,000	\$ 2,500,000	\$ 21,000
T	\$ 2,500,000	\$ 3,000,000	\$ 24,000
U	\$ 3,000,000		\$ 26,000

(d) **This subsection applies only to a qualified organization that renews a benefit night license issued under IC 4-32.2-4-19. The license fee that is charged to a qualified organization that renews the license is fifty dollars (\$50).**

SECTION 19. IC 4-32.2-9-2, AS AMENDED BY P.L.227-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 2. An employee of the commission may do any of the following:

- (1) Investigate an alleged violation of this article.
- (2) Arrest an alleged violator of this article.
- (3) Enter upon the following premises for the performance of the employee's lawful duties:
 - (A) A location where a bingo event, charity game night, festival event, raffle, door prize drawing, **benefit night**, or other charity gambling event licensed under IC 4-32.2-4-16 is being conducted.
 - (B) A location where pull tabs, tip boards, or punchboards are being purchased, sold, manufactured, printed, or stored.
- (4) Take necessary equipment from the premises for further investigation.
- (5) Obtain full access to all financial records of the entity upon request.
- (6) If there is a reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. A search under this subdivision may not be conducted unless a warrant has first been obtained by the executive director. A contract entered into by the executive director may not include a provision allowing for warrantless searches. A warrant may be obtained in the county where the search will be conducted or in Marion County.
- (7) Seize or take possession of:
 - (A) papers;
 - (B) records;
 - (C) tickets;
 - (D) currency; or
 - (E) other items;
 related to an alleged violation.

SECTION 20. IC 6-2.5-8-7, AS AMENDED BY P.L.227-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection.

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

- (1) file the returns required by IC 6-2.5-6-1; or
- (2) report the collection of any state gross retail or use tax on the

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returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and

(2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

(1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and

(2) the board, bureau, or commission has determined that significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder ~~if the department finds~~ **upon a finding** in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

SECTION 21. IC 7.1-2-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

(1) the provisions of this title;

(2) any other law of this state relating to alcohol or alcoholic beverages; and

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(3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by IC 35-44-3-6.5. Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence. **However, the arrest power granted by this subsection does not apply to a crime described in IC 4-32.2-8-4.**

(d) An enforcement officer may not exercise any police power with respect to the enforcement of IC 4-32.2.

SECTION 22. IC 7.1-2-3-10, AS AMENDED BY P.L.227-2007, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The commission shall have the power to investigate the violation of a provision of this title and of the rules and regulations of the commission and to report its findings to the prosecuting attorney or the grand jury of the county in which the violation occurred, or to the attorney general.

(b) The commission shall enter a memorandum of understanding with the Indiana gaming commission authorizing the commission's unlawful gaming enforcement division to conduct revocation actions resulting from suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 as authorized by the following statutes:

(1) IC 7.1-3-18.5-5(c).

(2) IC 7.1-3-23-2(b).

(3) IC 7.1-3-23-5.

(c) A memorandum of understanding entered into under this section must comply with the requirements of IC 4-33-19-8.

(d) The memorandum of understanding required by this section must be entered into before January 1, 2008.

(e) The commission does not have the power to investigate a violation of IC 4-32.2. The commission and its enforcement officers shall report any suspected violation of IC 4-32.2 to the Indiana gaming commission.

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